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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LATISHA MARIE BABB,  
  
Petitioner,  
  
vs.  
  
JENNIFER LOZOWSKY,  
  
Respondent.

Case No.: 2:05-cr-0061 RFB -VCF

**MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR EVIDENTIARY  
HEARING**

COMES NOW the Petitioner, Latisha Babb, by and through her counsel, Lisa Rasmussen, and hereby moves this Court for an order extending the time required to file the Motion for Evidentiary Hearing for a period of 90 days. This request is made and based upon the following:

1. The parties had a hearing on this matter in mid July 2018 to address the status.
2. This case was returned from the Ninth Circuit several years ago. Ms. Babb is serving two consecutive life without parole sentences and the remaining issues are arguably very important to Ms. Babb since her writ was granted in 2011 and then the Ninth Circuit reversed that decision.
3. At the hearing, the undersigned requested 90 days to brief the evidentiary hearing issue and to make a formal request via Motion.
4. The undersigned, at that time, was spending considerable time and effort in a

1 criminal case that was scheduled for an evidentiary hearing, United States v.  
2 Uriah Crain, 17-cr-325 RFB, a case which finally concluded in early  
3 September, but which required considerable time and effort on the part of the  
4 undersigned.

5 5. The undersigned also has several Ninth Circuit appeals with pending deadlines,  
6 two of which are substantial and complex cases.

7 6. The undersigned has been scrambling to prepare a Joint Pretrial Order for this  
8 Court in a civil case based on an order that was very recently issued. Amsel, et  
9 al v. Gerrard and Eliades, et al, 16-cv-999 RFB.

10 7. Furthermore, the undersigned tried a case in Pahrump from September 24<sup>th</sup>  
11 through September 28<sup>th</sup>, which took substantial effort and time and was  
12 particularly difficult because it was a trial in another jurisdiction.

13 8. Finally, and probably most substantially, the undersigned's law firm server was  
14 hacked by a ransomware hacker on April 28, 2018. All of the undersigned's  
15 files on the server were encrypted and cannot be read, despite substantial and  
16 ongoing efforts by the FBI to trace the hacker, who actually left a footprint.  
17 Ms. Babb's case dates back to 2005 and the undersigned's file in this case is  
18 very large. The undersigned's firm is still in the process of rebuilding Ms.  
19 Babb's file from the older paper version and will be downloading other  
20 documents on file in this case to complete the rebuilding process of her file.  
21 This has taken substantial time and effort. The same effort was also required in  
22 the Amsel case referenced above.

23 For each of these reasons, an additional 90 days is requested. The undersigned has  
24 spoken to Ms. Babb about the need to request additional time. This Court indicated that it  
25 would likely accommodate a request if necessary. This request is not made for the  
26 purpose of delay, but rather is made to ensure that there is no prejudice to Ms. Babb.

27 Accordingly, it is respectfully requested that the Court extend the time to file a  
28 Motion for Evidentiary Hearing to January 15, 2019.


1 Respectfully submitted this 15<sup>th</sup> day of October, 2018.

2  
3 **LAW OFFICE OF LISA RASMUSSEN, P.C**

4 */s/ Lisa A. Rasmussen*

5 IT IS SO ORDERED:

6 LISA A. RASMUSSEN, ESQ.  
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13   
14 RICHARD F. BOULWARE, II  
15 UNITED STATES DISTRICT JUDGE

16 DATED this 22nd day of October, 2018.

17 **CERTIFICATE OF SERVICE**

18 I HEREBY CERTIFY that I sent a copy of the foregoing MOTION FOR EXTENSION  
19 OF TIME TO FILE MOTION FOR EVIDENTIARY HEARING to all persons registered for  
20 CM/ECF service in the above-entitled case, including but not limited to, on this 15<sup>th</sup> day of  
21 October, 2018:

22 Jeffrey Conner, Deputy Attorney General

23 */s/ Lisa A. Rasmussen*

24 LISA A. RASMUSSEN, ESQ.